(1)

Supreme Court, U.S.
FILED

No. 01474 MAR 21 2001

OFFICE OF THE CLERK

In the

Supreme Court of the United States

RESTONEY ROBINSON,

Petitioner,

vs.

W. DOUGLAS ALBRIGHT, SR., and his successor, Solicitor; and ROBERT MORGAN, and his successor, Attorney General of the State of North Carolina,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Restoney Robinson
#2093205
P.O. Box 310, Unit 3510
Polkton, NC 28135

Petitioner Pro Se

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42 pp

QUESTIONS PRESENTED

Is the "pre-filing injunction" requiring Petitioner to obtain leave of the court "before attempting to initiate any new lawsuit, action, proceeding, or matter in this federal district against any person or entity" discriminatory?

Is Petitioner disenfranchised by the inability to present his case *pro se* before the U.S. District Court and U.S. Court of Appeals?

Was Petitioner blocked from cross-examining witnesses and denied due process in the course of his *pro se* representation?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

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OPINION BELOW

The opinion of the United States Court of Appeals for the Fourth Circuit is unpublished.

JURISDICTION

The court has jurisdiction invoked under 28 U.S.C., Section 1254(1). This is an appeal from a United States Court of Appeals' decision dated December 21, 2000. No Petition for Rehearing was filed. 28 U.S.C. Section 2403(a) may apply.

CONSTITUTIONAL PROVISIONS INVOLVED

U.S. Constitution, Amendment I: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

U.S. Constitution, Amendment V: "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

U.S. Constitution, Amendment VI: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

U.S. Constitution, Amendment XIV, Section 1: "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

STATEMENT OF THE CASE

Petitioner is an inmate whose appeal has been dismissed for failing to comply with a pre-filing injunction issued in Robinson v. Frederick, C-88-898-S (M.D.N.C. Oct. 11, 1998). Petitioner argues that the injunction violates Amendments I, V, VI and XIV, of the U.S. Constitution.

Petitioner further argues that his due process rights were interfered with in his criminal trial when he was prevented from presenting his case, and that he was defamed and slandered in the recommendation of the U.S. Magistrate Judge.

REASONS FOR GRANTING THE WRIT

I. PETITIONER'S APPEAL WAS PREVENTED FROM BEING HEARD IN THE U.S. DISTRICT COURT, AND IN THE U.S. COURT OF APPEALS DUE TO A DISCRIMINATORY PRACTICE HIDING WITHIN THE "PRE-FILING INJUNCTION" REQUIRING HIM TO NOTIFY THE COURT FIRST BEFORE INITIATING LEGAL ACTION.

The United States District Judge did violate Restoney Robinson's first amendment constitutional right on November 15, 1999. Amendment I [1791]. Congress did state that the United States District Judge cannot make a law such as prejudice that blocks me out of my first amendment. The Judge did block me from my free exercise in his false court order, and to petition the government for a redress of grievances. Amendment XIV [1861].

II. PETITIONER WAS DEFAMED AND SLANDERED BY THE RECOMMENDATIONS OF THE U.S. MAGISTRATE JUDGE.

P. Trevor Sharp, U.S. Magistrate Judge, did alter the caption of my writ of certiorari, filed August 10, 1998, in Case No. 198MC73. And he did alter the caption of my Writ of Certiorari, filed November 6, 1998. And he altered the caption of my Writ of Certiorari, filed December 18, 1998.

> Caption: The heading or introductory part of pleading, motion or deposition or other legal instrument which indicates the names of the parties,

> name of the court, docket or file number, title of the action, etc., ...

Fed. R. Civil p.10(A). And he did deny Superior Court transcripts. And he did use justice proper administration and delay, to block me out of my Sixth Amendment rights to cross-examine W. Douglas Albright. He did violate my Constitutions Bill of Rights. P. Trevor Sharp, U.S. Magistrate Judge, did damage me, Restoney Robinson, when he blocked out the Superior Court transcript and called it "incomprehensible." He called my Writ of Certiorari, which came from the Superior Court transcript, "to no discernible legal effect or purpose." P. Trevor Sharp did call the Superior Court transcript "an abusive litigator."

A false Court Order and false Judgement was filed on November 15, 1999. False: Not true. State vs. Arnett, 338 Mo. 907, 92 S.W.2d 897, 900. Sentinel Life Ins. Co. vs. Blackmer, C.C.A. Colo., 77 F.2d 347, 352. The word false also means intentionally or knowingly or negligently untrue. Metropolitan Life Ins. Co. vs. Adams, D.C. Mun. App., 37 A.2d 345, 350. File Number 71-CR-58492.

P. Trevor Sharp did damage me through a miscarriage of justice.

> a miscarriage of justice, warranting reversal, should be declared only when the court, after examination of entire cause, including the evidence, is of the opinion that it is reasonably probable that a result more favorable to the appealing party would have been reached in absence of the error.

People vs. Bernhardt, 222 C.A.2Dd 567, 35 Cal. Rptr. 401, 419.

III. PETITIONER WAS BLOCKED FROM EFFECTIVE REPRESENTATION IN HIS CRIMINAL TRIAL.

P. Trevor Sharp did violate and block my Sixth Amendment of the Constitution Bill of Rights to cross examine Douglas Albright, and blocked me from cross examining Carrie A. Mock. The Constitution's Sixth Amendment says and states that Restoney Robinson has the right to be confronted with the witnesses against him. P. Trevor Sharp did violate my constitutional rights when he denied my Writ of Certiorari and failed to render every man his due, and refused to file it, prolonging justice. Justice is proper administration of laws. It was unconstitutional for P. Trevor Sharp to deny my Writ of Certiorari, that came from the trial transcript of Superior Court. I was tried, and the U.S. Courts does have jurisdiction over Superior Court in Greensboro, N.C. P. Trevor Sharp did violate my constitutional rights when he did delay and block my file.

> Delay: to retard, obstruct, put off, postpone, defer, procrastinate, prolong the time of or before; hinder, interpose obstacles. As when it is said that a conveyance was made to "hinder and delay creditors." The term does not necessarily, though it may, imply dishonesty or involve moral wrong.

I'm asking Fourth Circuit Court of Appeals to subpoena the transcript for the courts. The Attorney General, Mack Easley, never damaged me. Douglas Albright and Robert Morgan, Attorney General, did damage me. Robert Morgan was an accessory before the fact of Superior Court transcript, and he is an accessory after the fact of Superior Court transcript. August 24, 1971 and August 17, 1972, of Superior

Court transcripts, number 72185C523, index page 2, trial transcript. Albright was the Kingpin Solicitor. September 6th Criminal Session 1971.

The Court did err and violate my constitutional right on March 10, 1972 and Jan. 28, 1972. The Court erred in failing to find that the State's witness, Tommy Lee Tinsley, lacked sufficient mental capacity to appear and testify in the said case, assignment of error no. 2, exception no. 2 (RP 15). Generally, the decision as to competency of witness of unsound mind to testify rests largely within discretion of trial court. State vs. Benton, 174 S.E.2.d 793, 276 N.C. 641.

> "In jurisprudence the constant and perpetual disposition of legal matters or disputes to render every man his due. In feudal, jurisdiction. A judicial cognizance of causes of offenses. High justice was the jurisdiction of right of trying crimes of every kind, even the highest. This was a privilege claimed and exercised by the great lords or barons of the middle ages. Low justice was jurisdiction of petty offenses. See also, miscarriage of justice, obstructing justice.

The Superior Court transcript, on page 51, clearly shows flat on its face, that Restoney Robinson never knew Mills. The Court says, "Well, there is no showing that Mills knew the defendant or that the defendant was ever in the Mills home or when this so-called warning took place, if it did." December 30, 1969. I'm asking Fourth Circuit Court of Appeals which has jurisdiction over Carrie A. Mock, testified, to make her produce the boxes of money that she testified to, that was in Mills home. Douglas Albright, Solicitor, never

produced the boxes of money in the courtroom. See trial transcript page 49.

> Produce: to bring forward; to show or exhibit; to bring into view or notice; as, to present a play, including its presentation in motion pictures. To produce witnesses or documents at trial in obedience to a subpoena.

(Fed. R. Crim. p. 45; Fed. R. Crim. p. 17)

> or, to be compelled to produce materials subject to discovery rules.

(Fed. R. Civil p. 37; Fed. R. Crim. p. 16). See trial transcript, page 49.

Carrie A. Mock testified: "My name is Carrie A. Mock and live at 1305 Gorrell Street. I was acquainted with Mr. and Mrs. Mills. I was Mr. Mills' nurse. Mr. Mills was sixty-four --- I mean ninety-four. His health on December 30, 1969, was very good. I went to the home daily. Just the two lived there in that home." Mr. Clark: "Q. Just Mr. and Mrs. Mills. Did either one of them smoke, Mrs. Mock?" Mr. Johnson: "OBJECTION." The Court: "OVERRULED." A. (By the witness) "No." Mr. Clark: "Do you know whether Mr. Mills kept a considerable amount of money in the house in a box or boxes?" See Motion for a Continuance filed March 6, 1972. See Superior Court transcript page 101. This will prove that the rest of the jury, names listed, never eyewitnessed, in the courtroom, any boxes of money.

> Mrs. Hobson (Deputy Clerk of Superior Court): "Ladies and gentlemen of the jury, answer to your

names: Joseph Myers." Mr. Meyers: "Here." Mrs. Hobson: "Doris Sossoman." Ms. Sossoman: "Here." Mrs. Hobson: "Geraldine Atkinson." Ms. Atkinson: "Here." Mrs. Hobson: "John Newman." Mr. Newman: "Here." Mrs. Hobson: "Helen Martin." Ms. Martin: "Here." Mrs. Hobson: "Sara M. Holden." Ms. Holden: "Here." Mrs. Hobson: "East Little." Mr. Little" "Here." Mrs. Hobson: "Thelma Purgason." Ms. Purgason: "Here." Mrs. Hobson: "Marie M. Willis." Ms. Willis: "Here." Mrs. Hobson: "Kenneth Cruthis." Mr. Cruthis: "Here." Mrs. Hobson: "William McMullen." Mr. McMullen: "Here." Mrs. Hobson: "Nancy B. Johnson." Ms. Johnson: "Here."

I'm asking Fourth Circuit to make Douglas Albright produce the pistol, and produce the murder weapon and produce the footprints, and produce the eye witness, and produce the boxes of money. None of this evidence was at the trial. Keep in mind the District Court judge did use the word prejudice to cross-examine Douglas Albright. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed. And he blocked me out of my Fourteenth Amendment right to equal protection.

The Judge did violate my constitutional right, in his prejudicial denial by not allowing a motion for the continuance of the case, because defendant did not have adequate time. Period of time too short to allow fruitful inquiry of the Solicitor for the information sought in the bill of particulars. Moreover, the defense attorney entered the case only five (5) days before trial, two (2) of those days being non-official days

of the Court. This means that the defense attorney had three working days at most in which to prepare an adequate defense, even if the Solicitor, upon inquiry by the defense attorney prior to trial, had divulged the information sought in the bill of particulars, or disclosure by the Solicitor prior to trial of the information sought in the bill of particulars. This, patently, is not the case. No inquiry was here made of Solicitors because two non-official court days separated the entrance of the defense attorney into the case and the beginning duly of the trial. State vs. Baldwin, 174 S.E.2d, 526, 276, NC 690; State vs. Murphy, 177 S.E.2d, 917.

CONCLUSION

The judgment of the Superior Court should be reversed for all of the foregoing assigned errors. The defendant was denied an adequate opportunity to prepare his defense and was prejudiced by having the same judge hear his case and tried him on conspiracy charge. In addition, he was prejudiced by the admission in evidence of the testimony of Tommy Lee Tinsley, who was the State's key witness and lacked sufficient mental capacity to appear and testify.

These constitutional rights apply to Restoney Robinson because I was born in America. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, Greensboro, N.C., are citizens of the United States and of the state wherein they reside. I was blocked out of cross examining the recommendation of the United States Magistrate Judge. My Sixth Amendment of the Bill of Rights was violated. I was blocked out of cross examining the portions of the Magistrate Judge's report, which the Court reviewed. This did violate my sixth amendment of the Constitution's Bill of Rights. I was blocked out of examining

the Court's de novo determination, and to cross examine it. I should have received these copies before the Court adopted the Magistrate Judge's recommendation.

There's no pistol, no murder weapon, no eyewitness, no footprints, there was no money brought in the courtroom for the jury to see. Carrie A. Mock lied. They did block the questions out, and I paid, so it's unconstitutional, and racist. The injunction is unconstitutional. U.S. Court clerk – Carol Butler, case manager – Sandra J. Crumpton. I'm appealing to Supreme Court.

I'm asking the Court to give Restoney Robinson the same privileges that they give a licensed lawyer. I did finish law school and I paid the courts. Lawyer: a person learned in the law; as an attorney, counsel or solicitor; a person licensed to practice law, any person who prosecutes or defends causes in the courts of record or other judicial tribunals of the United States. See also attorney, house counsel.

They did alter my Writ of Certiorari questions. It's unconstitutional for the courts to use Robinson vs. Nurse Frederick, C-88-898-S. They use this case to alter the false questions of where I was convicted in December, 1969. I was convicted 19 years before this case even came up, and it's unconstitutional. The case has nothing to do with Albright sentencing me. The U.S. courts refuse to allow me to file a Writ of Certiorari because I'm black, and I paid for the Writ of Certiorari, but they wouldn't treat it as that. August 10, 1998, case no. 1.98MC73, and November 6, 1998. I am asking the Supreme Court of Washington, DC to remand it back to make the U.S. District Court and/or the Fourth Circuit Court of Appeals.

Dated: March 20, 2001

Respectfully submitted,

Restoney Robinson
#2093205
P.O. Box 310, Unit 3510
Polkton, NC 28135

Petitioner Pro Se

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-7061

RESTONEY ROBINSON,

Plaintiff - Appellant,

versus

W. DOUGLAS ALBRIGHT, SR.; CARRIE A. MOCK, testified; ROBERT MORGAN, Attorney General; WILLIAM F. BRILEY, Assistant Attorney; DEPARTMENT OF JUSTICE, Highway Division; HERMAN G. ENOCHS, JR., Judge; P. TREVOR SHARP, Judge,

Defendants – Appellees.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. N. Carlton Tilley, Jr., Chief District Judge. (CA-00-187-1) 1:00CV0041; 00-6064; CA-99-271-1

Submitted: December 14, 2000 Decided: December 21, 2000

Before WIDENER, WILKINS, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Restoney Robinson, Appellant Pro Se.

Unpublished opinions are not binding precedent in the circuit. See Local Rule 36(c).

PER CURIAM:

Restoney Robinson appeals from the district court's order adopting the magistrate judge's recommendation and dismissing without prejudice Robinson's complaint for failure to comply with a prefiling injunction issued in Robinson v. Frederick, C-88-898-S (M.D.N.C. Oct. 11, 1998). Our review of the record and the district court's opinion discloses that this appeal is without merit. Robinson v. Albright, No. CA-00-187-1 (M.D.N.C. June 23, 2000). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-7061

RESTONEY ROBINSON,

Plaintiff,

vs.

W. DOUGLAS ALBRIGHT, SR.; CARRIE A. MOCK; ROBERT MORGAN, Attorney General; WILLIAM F. BRILEY, Assistant Attorney; DEPARTMENT OF JUSTICE, Highway Division; HERMAN G. ENOCHS, JR., Judges,

Defendants.

ON APPEAL FROM THE U.S. DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

PLAINTIFF'S REPLY BRIEF

Case Nos.
00-CV-187, and CA-99-271-1

Jurisdiction Chief Judge J. Harvie Wilkinson, III does have jurisdiction over U.S. District Middle Court.

Judge Wilkinson does have jurisdiction over the subject matter.

Judge Wilkinson does have jurisdiction over the person. W. Douglas Albright. Judge N.C. Tilley Jr.

Judge Wilkinson does have jurisdiction over proper venue.

Judge Wilkinson does have jurisdiction over sufficiency of service process.

I did state a claim in Writ of Certiorari, re: 00-6064, CA-99-271-1, 00-CV-187 filed 2-28-2000. I did join all defendants names under rule 19. Rule 12, defenses and objections – when and how presented by pleading or motions – Motion for Judgement on Pleading.

s/_____
Restoney Robinson
P.O. Box 310, Unit 3510
Polkton, N.C. 28135
Jail House Lawyer -

Dated: 9-14-2000

Sworn to and subscribed before me,
This 19th day of September, 2000
s/_____
Joyce Dennis
Notary Public
My commission expires March 3, 2001

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-7061

RESTONEY ROBINSON,

Plaintiff,

vs.

CARRIE A. MOCK, testified;
W. DOUGLAS ALBRIGHT, SR.,
Solicitor,

Defendants.

ON APPEAL FROM THE U.S. DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

PLAINTIFF'S BRIEF

Case Nos.
00-CV-187, and CA-99-271-1

I am asking the U.S. Courts; and clerks; agencies; judges. I am asking the U.S. Courts what was their ruling on Carrie A. Mock? "Testified," in my trial; that there were boxes of money. There was never none in the courtroom on the table

of evidence. Ruling: a judicial or administrative interpretation of a provision of a statute; order; regulation or ordinance; e.g. revenue rulings. May also refer to judicial determination of admissibility of evidence; allowance of motion; etc. See also decree:, order:, rule.

I paid the hundred and five dollars "$105.00" dollars for the appeal. I never received a court order on Carrie A. Mock; "testified" case no. 1:00CV187, filed June 23rd, 2000. I appealed it to Fourth Circuit (4th) Circuit. Order; Judgement on Douglas Albright; defendants, State of North Carolina, County of Anson.

SS: verification; I Restoney Robinson, first being duly sworn, deposes and states that he is the affiant in the above matter; that he has the same are true of his own. That he has read the foregoing instrument and knows the contents thereof: knowledge except as to those matters and things therein stated upon information and beliefs, and to those he believes them to be true.

s/_____
Restoney Robinson
P.O. Box 310, Unit 3510
Polkton, N.C. 28135
Jail House Lawyer

Dated: 7-3-2000

Sworn to and subscribed before me.
This 30th day of June, 2000
s/_____
Thomasina L. Robinson
Notary Public
My commission expires 6-23-01

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RESTONEY ROBINSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:00CV187
	)	
W. DOUGLAS ALBRIGHT, et al.,	)	
	)	
Defendants.	)	

ORDER

On March 2, 2000, the Recommendation of the United States Magistrate Judge was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Thereafter, the Court received plaintiff's objections to the Recommendation.

The Court has appropriately reviewed plaintiff's objections de novo and finds they do not change the substance of the United States Magistrate Judge's rulings which are affirmed and adopted.

IT IS THEREFORE ORDERED that, because plaintiff has disobeyed the provisions of the permanent pre-filing injunction entered against him in C-88-898-S, this action be, and the same hereby is, dismissed without prejudice.

s/ N. Carlton Tilley
United States District Judge

June 23, 2000

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RESTONEY ROBINSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:00CV187
	)	
W. DOUGLAS ALBRIGHT, et al.,	)	
	)	
Defendants.	)	

JUDGMENT

For the reasons set out in an Order filed contemporaneously with this Judgment,

IT IS ORDERED AND ADJUDGED that, because plaintiff has disobeyed the provisions of the permanent pre-filing injunction entered against him in C-88-898-S, this action be, and the same hereby is, dismissed without prejudice.

s/ N. Carlton Tilley
United States District Judge

June 23, 2000

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RESTONEY ROBINSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:00CV00509
	)	
W. DOUGLAS ALBRIGHT, et al.,	)	
	)	
Defendants.	)	

RECOMMENDATION AND ORDER OF UNITED STATES MAGISTRATE JUDGE

Plaintiff has submitted a paper-writing in which he names state actors and alleges, among other things, that his civil rights were violated. In the body of his paper-writing, Plaintiff references several federal actors. In form, then, his submission appears to be either a civil rights action pursuant to 42 U.S.C. § 1983 or a Bivens-type action pursuant to 28 U.S.C. § 1331. One aspect of the relief Plaintiff requests is the modification of a prior lawsuit-he wishes the prior suit to be converted into a writ for certiorari. He also challenges a pre-filing injunction entered against him in C-88-898-S. Among other things, that injunction required Plaintiff to obtain leave of the court before attempting to initiate *any* new lawsuit, action, proceeding, or matter in this federal district against any person or entity.

In the current paper-writing, Plaintiff did not comply with this requirement and, accordingly, this action should be filed and dismissed without prejudice to a refiling by

Robinson in full compliance with the injunction. *In forma pauperis* status should be granted *sua sponte* for the sole purpose of filing, then dismissing, this action.

IT IS THEREFORE RECOMMENDED that, because Plaintiff has disobeyed the provisions of the permanent pre-filing injunction entered against him in C-88-898-S, this action should be filed and then dismissed without prejudice.

IT IS ORDERED that *in forma pauperis* status be granted *sua sponte* for the sole purpose of filing this recommendation and order.

s/
P. Trevor Sharp, U.S. Magistrate Judge

May 19, 2000

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-7061

RESTONEY ROBINSON,

Plaintiff,

vs.

W. DOUGLAS ALBRIGHT, SR.,
Solicitor; CARRIE A. MOCK, testified, et. al,

Defendants.

ON APPEAL FROM THE U.S. DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

NOTICE OF APPEAL

Case No.
1:00CV0041

I am answered to the false Magistrate Judge's recommendations, filed and dated April 24th, 2000. I filed a Writ of Certiorari and paid a $156.00 (hundred fifty six dollars), I did not file no 42 U.S.C. 1983.

The court did show racism against Mr. Restoney Robinson. My check clearly shows flat on its face that I filed a Writ of Certiorari. The pre-filing injunction is unrelated defense, name and law. White inmates can file their Writ of Certiorari, but due to me being black, I paid a $156.00 (hundred and fifty six dollars), and can't file mine.

I am asking the court to send me my $156.00 (hundred and fifty six dollars) back. I am asking you as judge to modify the check that I sent in, and I am asking you as judge to modify why the records don't show as Writ of Certiorari, and be treated as a Writ of Certiorari. Jurisdiction 1:00CV187, case no. 1:99CV271 unrelated defense, name, and law, C-88-898-S.

The Magistrate Judges did call me a state prisoner. I am not a state prisoner, am asking the U.S. Judge to modify. There's no murder weapon, no pistol, no footprints, no eye witness, no fingerprints. Am asking the U.S. Judge Middle District of North Carolina to make the Magistrate to produce the pistol when am not a state prisoner, false pre-filing injunction.

Congress did state that Magistrate Judge cannot make a local move that would block-out my first amendment [1791]. He did valuation of my United States Constitution, and he's blocking me from exercising my Constitution rights pre-filing did block out my first amendment. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for redress of grievances.

Unconstitutional pre-filling injunction – my birth certificate shows that I was born in North Carolina, these laws apply to me. Amendment XIV [1868] section 1: all persons born naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or shall any state deprive or enforce law which shall abridge the privileges

or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty, or property with due process of law, nor deny to any person within its jurisdiction the equal protection of the laws, valuation Writ of Certiorari.

Dated: May 11, 2000

s/_____
Restoney Robinson
P.O. Box 310, Unit 3510
Polkton, N.C. 28135
Jail House Lawyer

Sworn to and subscribed before me,
This 28th day of April, 2000
s/_____
Thomasina L. Robinson
Notary Public
My commission expires 6-23-01

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-6064

RESTONEY ROBINSON,

Plaintiff,

vs.

W. DOUGLAS ALBRIGHT, SR.; CARRIE A. MOCK, testified; ROBERT MORGAN, Attorney General; WILLIAM F. BRILEY, Assistant Attorney; DEPARTMENT OF JUSTICE, Highway Division; HERMAN G. ENOCHS, JR., Judge; P. TREVOR SHARP, U.S. Magistrate Judge,

Defendants.

ON APPEAL FROM THE U.S. DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

WRIT OF CERTIORARI

Case No.
CA-99-271-1

Jurisdiction in case number 1:00CV00187 filed Feb. 28, 2000, Clerk U.S. District Court, Greensboro, N.C. and was received in this office on Feb. 15, 2000.

Notice of jurisdiction 1:00CV187, filed Mar. 2, 2000 Recommendation and Order of United States Magistrate Judge.

Jurisdiction in case no. 1:99CV271 J.P. Creekmore did state that the District Court does have jurisdiction in testimony whereof, I hereunto set my hand and affix the seal of the said court, this 20th day of January, 2000. Deputy Clerk Caril Butler. W. Douglas Albright, Sr., et al. jurisdiction J.P. Creekmore, Clerk of the United States District Court for the Middle District of North Carolina, do hereby certify that the documents submitted under this certificate: Volume I – Pleadings.

Jurisdictions are the true record and proceedings on file in my office, and a true copy of the docket entries as they appear in the official docket, in the above-styled case of Superior Court of Guilford County, N.C. for the trial of criminal cases.

I, Restoney Robinson was tried and false convicted in Guilford County.

1. The U.S. District Court does have jurisdiction over the subject matter. N. Carlton Tilley Jr. does have jurisdiction administrative purpose for the district.
2. The U.S. District Court does have jurisdiction over the person; and over Douglas Albright, Sr. and the District Court N. Carlton Tilley, Jr. does have jurisdiction administrative purpose district.
3. The U.S. District Court does have proper venue over Douglas Albright. N. Carlton Tilley, Jr. does have jurisdiction over the administrative purpose district court.
4. The U.S. District Court does have sufficiency of process, of jurisdiction, Writs of my Certiorari.

5. The U.S. District Court does have jurisdiction and sufficiency of process.
6. I did state a claim in my Writ of Certiorari.
7. I did join all parties name under rule 19: District: one of the territorial areas into which an entire state or country, county, municipality or other political subdivision is divided, for judicial, political, electoral, or administrative purposes. State ex rel. Schur v. Payne, 57 N.W. 286, 63 p. 20, 921, 925. The circuit or territory within which a person may be compelled to appear, circuit of authority, province.

Keep in mind, the District Court never sent me a court order so I could take appeal. The law states that you've got to have a court order from the District Court; Middle District U.S. Court in Greensboro, N.C. I never received a court order where the judge modified my filing of Feb. 28, 2000 1:00CV00187. They did receive it on Feb. 15, 2000. From Feb. 28 to Mar. 23, 24 days, I did not receive a court order for my appeal.

The magistrate files recommendations of unrelated offenses – names and laws to my Writ of Certiorari. When Judge N. Carlton Tilley, Jr. submitted that the District Court didn't have jurisdiction on Mar. 23, 2000 and Mar. 30, 2000, did give a perjury statement of jurisdiction; in criminal law, the willful assertion as to a matter of fact, opinion, belief or knowledge, made by a witness in a judicial proceeding.

False perjury is a crime committed when a lawful oath is administered, in some judicial proceeding, to a person who swears willfully, absolutely, and falsely, in a matter material to the issue or point in question. Gatewood vs. State, 15 Md. App. 314, 290 A.2d 551, 553.

In 1969 when I was sentenced and tried of the criminal justice process, this law violates my constitutional rights, 28 U.S.C.A. § 2244 (West Supp. 1999). I was sentenced to the system 20 years before this law came out. The authorization was unconstitutional to my Writs of Certiorari, and was

unrelated offenses, names and laws. Unconstitutional, that which is contrary to the Constitution, the opposite of "constitutional." Norton vs. Shelby County, 118 U.S. 6 S.Ct. 1121, 30 L.Ed. 178.

I'm asking the U.S. Courts to modify Robinson v. Albright. (Notice 1:00CV187.) Keep in mind, the lower court opinion(s) and any order on rehearing must be included as the appendix to the petition. The United States Magistrate Judge did alter the Marshal's subpoena, Writ of Certiorari on March 2, 2000. Keep in mind check number 106, January 2, 2000 clearly shows flat on its face that the check was for my Writ of Certiorari filing. The United States Magistrate Judge did alter the Marshal's subpoena in case number 1:00CV187 on March 2, 2000. It was paid for on January 14, 2000. Bank of America 6400421976. See the receipt number 0061720. See the check exhibit, page one and two D.O. symbol No. 000-04657:2, pay to the order of any federal reserve bank or branch or general depository for credit to the United States treasury.

The Magistrate Judge recommendations are unrelated offenses, names and laws. March 2, 2000 of my Writ of Certiorari. I am asking the judge to modify the $156.00 (hundred fifty six dollars) of my Writ of Certiorari for the U.S. Marshal service. The evidence of my check clearly shows I paid for my Writ of Certiorari. The magistrate recommendations are unrelated offenses, names and laws. March 2, 2000 recommendations are unrelated laws, names and offenses. Pursuant to 42 U.S.C. § 1983 are unrelated offenses, names and laws to my Writ of Certiorari, the injunctions against the plaintiff are unrelated offenses, names and laws, C-88-898-5. Obtain leave are unrelated offenses, names and laws, in this district against any person or entity are unrelated offenses, names and laws. The refiling are unrelated offenses, names and laws against my Writ of Certiorari.

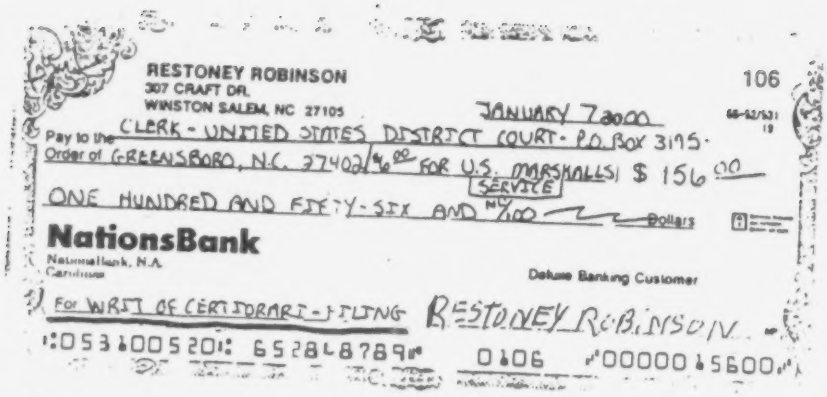
Keep in mind the injunction are unrelated offenses, names and laws. The *forma pauperis* status are unrelated offenses, names and laws, and unconstitutional, which is contrary to the constitution, Norton vs. Shelby County, of the filing of my Writ of Certiorari. The lower court opinion(s) and any order on rehearing must be included as the appendix to the Petition on Feb. 15, filed on Feb. 28, 2000. Keep in mind the Marshal, the President is required to appoint a U.S. marshal to each judicial district. It is the responsibility of U.S. Marshal to execute all lawful writs process and orders issued under authority of the United States. In executing the laws of the United States within a state, the Marshal may exercise the same powers which a sheriff of the state may exercise in executing the laws thereof 28 U.S.C. § 561, 569, 570.

The Judge didn't mention, the Superior Court transcript and the U.S. Judge didn't mention the Superior Court exhibits. I never received a court order showing that my case has been transferred to the Durham district.

Dated: April 4, 2000

s/_____
Restoney Robinson
P.O. Box 310, Unit 3510
Polkton, N.C. 28135
Jail House Lawyer

Sworn to and subscribed before me,
This 6th day of April, 2000
s/_____
Thomasina L. Robinson
Notary Public
My commission expires 6-23-01


RESTONEY ROBINSON
307 CRAFT DR.
WINSTON SALEM, NC 27105

106

JANUARY 7 2000

Pay to the Order of CLERK - UNITED STATES DISTRICT COURT - P.O. BOX 3195 - GREENSBORO, N.C. 27402 $ 156.00

FOR U.S. MARSHALLS SERVICE

ONE HUNDRED AND FIFTY-SIX AND NO/100 Dollars

NationsBank
NationsBank, N.A.
Carolinas

Deluxe Banking Customer

For WRIT OF CERTIORARI - FILING RESTONEY ROBINSON

:053100520: 6528487897 0106 "000001560"

Exhibit 1

DX O. SYMBOL NO: 000046572
Pay to the order of any
Federal Reserve Bank or
Branch or General
Depositary for credit
to the United States
Treasury.

5312728: WACHOVIA
CHAR, NC 011300
1 800 5: 394660
205 3888. 334

Receipt Number 00861720

BANK OF AMERICA,NA CAR
053100196 E1749 02 P01 01/14/00

4710 17

6-00421976

Exhibit 2

BEST AVAILABLE COPY

Exhibit 3

Superior Court Transcript:

Indictment – Murder

THE JURORS FOR THE STATE UPON THEIR OATH, DO PRESENT, That RESTONEY ROBINSON, late of the County of Guilford, on the 30th day of December, 1969, with force and arms, at and in the said County, feloniously, wilfully, premeditatedly and deliberately, and of his malice aforethought, did kill and murder Walter Hubert Mills contrary to the form of the statute in such case made and provided, and against the peace and dignity of. the State.

Signed, W . Douglas Albright, Solicitor.

Returned A True Bill by the, Foreman of the Grand Jury.

How say you, Restoney Robinson, are you guilty of the felony of murder whereof you stand indicted, or not guilty?

MR. ROBINSON: Not Guilty.

MR. CLARK: How will you be tried?

MR. ROBINSON: By God and my Country.

MR. CLARK:. May "God send you a true deliverance.

(TRANSCRIPT CERTIFIED BY CLERK, SUPERIOR COURT)

Exhibit 4

Superior Court Transcript:

* * * * *

John D. McConnell, Southern Pines, North Carolina. Judge Presiding first week. Honorable Marvin J. Blount, Jr., Greenville, North Carolina, Judge Presiding second week. Honorable W. Douglas Albright, Greensboro, North Carolina, Solicitor. Honorable Walter Clark, Jr., Greensboro, North Carolina, Honorable Howard D. Cole, Greensboro, North Carolina, Honorable Richard M. Dailey, Jr., Greensboro, North Carolina, Honorable Locke T. Clifford, Greensboro, North Carolina, Assistant Solicitors. Mrs. Marie Hall, Greensboro, North Carolina, Court Reporter for both weeks. Mrs. Charlotte Hicks and Mrs. Helen Starr, Courtroom Deputy Clerks for first week. Mrs. Cathy Hobson, Courtroom Deputy Clerk second week.

The Grand Jury appeared in open court in a body, 15 grand jurors answering present and returned the following true bills of indictment in capital cases as follows:

71 CR 58492 Restoney Robinson-Murder

ARRAIGNMENT

THE COURT: Do you want to arraign the defendant at this time?

MR. CLARK: Yes, sir, I can.

THE COURT: All right.

MR. CLARK: Stand up, please. Hold up your right hand.

You stand charged by the name of Restoney Robinson on the following indictment:

State of North Carolina
County of Guilford
September 6th Criminal Session, 1971
The State of North Carolina v Restoney Robinson, Defendant

* * * * *

Exhibit 5

Superior Court Transcript:

* * * * *

CARRIE A. MOCK testified:

My name is Carrie A. Mock and live at 1305 Gorrell Street. I was acquainted with Mr. and Mrs. Mills. I was Mr. Mills' nurse. Mr. Mills was sixty-four --- I mean ninety-four. His health on December 30, 1969, was very good. I went to the home daily. Just the two lived there in that home.

MR. CLARK:

Q. Just Mr. and Mrs. Mills. Did either one of them smoke, Mrs. Mock?

MR. JOHNSON: OBJECTION.

THE COURT: OVERRULED.

A. (By the witness) No.

MR. CLARK:

Q. Do you know whether Mr. Mills kept a considerable amount of money in the house in a box or boxes?

* * * * *

Exhibit 6

Superior Court Transcript:

* * * * *

Wherefore, the State respectfully prays that the Petition for Writ of Certiorari in this cause be denied.

This the 17th day of August, 1972.

Respectfully submitted,

ROBERT MORGAN
Attorney General

WILLIAM F. BRILEY
Assistant Attorney General
Department of Justice
Highway Division
Highway Building
Raleigh, N.C. 27611

I hereby certify that a copy of this answer to Petition for Writ of Certiorari was served on the defendants this the 17th day of August, 1972, by mailing a copy to defendants' attorney, Walter T. Johnson, Jr., 804 Southeastern Building, Greensboro, North Carolina 27401.

WILLIAM F. BRILEY
Assistant Attorney General